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RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0179
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 0491
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 0023
RUEHLM/AMEMBASSY COLOMBO PRIORITY 0013
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RHEFDIA/DIA WASHDC PRIORITY
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RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 0437
RUEHVEN/USMISSION USOSCE PRIORITY 2309
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1694
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C O N F I D E N T I A L SECTION 01 OF 03 BISHKEK 000030

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DEPT FOR SCA/CEN (GEHRENBECK)

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TAGS: [PGOV](#) [PREL](#) [KG](#)

SUBJECT: EMPOWERED KYRGYZ PRESIDENT NOMINATES KULOV AS PM;
PARLIAMENT VOTES HIM DOWN

REF: A. BISHKEK 002

[1](#)B. 06 BISHKEK 1587

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Classified By: Amb. Marie L. Yovanovitch, Reason 1.4 (b) and (d).

[1](#)1. (C) Summary: Kyrgyz President Bakiyev signed into law constitutional changes January 15 which restore many powers stripped from him in the November 9 Constitution. Specifically, the revised constitution restores presidential authority over judges and provincial governors. Opposition to the changes remains subdued. Based on transitional provisions contained in the new version of the Constitution and a separate law passed by Parliament granting Bakiyev authority to appoint a prime minister, Bakiyev announced January 16 his selection of acting Prime Minister Feliks Kulov for the post. However, Parliament voted down Kulov's nomination on January 18, leaving open the question of whether the President will nominate Kulov again or select another candidate. End summary.

Power of the Pen

[1](#)2. (SBU) On January 15, Kyrgyz President Kurmanbek Bakiyev signed amendments into law reinvesting in his office many powers ceded to the Kyrgyz Parliament in the November 9 constitution. The amendments became effective on the date of their publication, January 16. Parliamentary Speaker Marat Sultanov reportedly explained that a "conciliatory committee" had devised the constitutional changes, which were necessary to eliminate "discrepancies and inaccuracies" in the November 9 document. Parliament passed the amendments on December 30, in a session that violated several procedural norms.

More than Finessing the November Constitution

¶3. (SBU) The revisions correct many grammatical errors in the hastily-crafted November 9 Constitution, but also reallocate powers from the legislative to the executive branch. The president has regained authority to appoint and dismiss local judges and chiefs of local state administrations (provincial governors). He also proposes judges for the Constitutional and Supreme Courts for parliamentary approval. The president selects his own candidates for Cabinet positions overseeing defense and security portfolios (i.e. the Minister of Defense and Head of the National Security Service, the SNB Intelligence Service).

¶4. (SBU) The extent to which the new constitution gives further powers to the President will depend on who is doing the interpretation. For example, Article 63 concerning Parliament's right to dissolve itself includes the stand-alone sentence, "The President sets the date for early elections of the deputies of the Parliament such that the newly elected Parliament can hold its first session no later than 60 days after early elections are called." While this appears to refer solely to the case of self-dissolution of the parliament, presidential backers could argue this sentence permits the President to set early parliamentary elections whenever he wants, giving him de facto authority to dissolve parliament at will.

Muzzled Parliament?

¶5. (C) In a January 8 meeting with the Ambassador, opposition For Reforms parliamentarian Muratbek Mukashev

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noted that "this is Bakiyev's Parliament now" in his explanation of why Parliament passed the constitutional legislation. Speaking during a roundtable discussion January 12, parliamentarian Iskhak Masaliyev justified the "new edition" of the November 9 Constitution, but conceded that "this was all we could do under the current circumstances." Privately, MPs reported that Bakiyev had threatened to dissolve Parliament (thus stripping deputies of their immunity) if they did not approve the changes to the Constitution. Opposition MPs were also subject to increased harassment by the authorities during November, following the early November anti-Bakiyev street protests and the late December vote on the new constitution.

Managing the Transition

¶6. (SBU) The lack of a political party system in Parliament, as outlined in the November 9 Constitution precipitated the government's December resignation. While the revised Constitution retains the party system for the future, Bakiyev has utilized legislation effective for the current "transitional" period to announce his selection of acting Prime Minister Feliks Kulov for the prime ministerial post under a new government. Parliament voted Kulov down 39 to 23, surprising observers who considered Parliament cowed by the President's alleged threats to dissolve Parliament if Kulov was not approved. According to both Speaker Sultanov and White House staffers, the President is prepared to nominate Kulov three times and then dissolve Parliament, if deputies refuse to approve Kulov. However, there is an alternate interpretation of the Constitution that claims that the President has three opportunities to nominate a prime minister, but he can only nominate the same person once. As a result, there are questions about who will be nominated next.

¶7. (SBU) Once approved, the prime minister would then nominate individuals for ministerial positions for Bakiyev's

approval without parliamentary input or approval. Once a new parliament is elected under the terms of the new constitution, the prime minister will be chosen from among the parties with the most seats. The present parliament was elected on individual mandates, and many MPs have no party affiliation. (See reftel B discussion of the new parliamentary party system for more details.)

Comment

18. (C) While some opposition members continue to protest the recent turn of events, President Bakiyev is taking advantage of the constitutional revisions to install a new government. As the text of the new version of the Constitution has only now appeared in local media, it will take some time to digest the impact of the changes. In the ever-changing political landscape of Kyrgyzstan, until this morning it seemed Bakiyev had successfully outmaneuvered the opposition, and consolidated his power. With the surprise vote on Kulov, it appears that not all the deputies have been intimidated by threats of parliamentary dissolution. Some analysts, however, believe that Bakiyev's nomination of Kulov was a charade and that he will nominate another contender to be prime minister. While it is always dangerous to predict, we're putting our money on Kulov. From Bakiyev's point of view, while the Bakiyev-Kulov tandem may be an uncomfortable alliance, it is far preferable to estranging the only man who has a shot at consolidating the opposition into an effective

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force.
YOVANOVITCH